

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LOUIS G. ORSATTI, DDS, P.C.,

Plaintiff,

V.

**ALLSTATE INSURANCE COMPANY,
and BLESSING SEFOFO WONYAKU,**

Defendants.

CIVIL ACTION NO. SA-20-CA-840-FB

ORDER OF REMAND

Before the Court are the Report and Recommendation of United States Magistrate Judge (docket no. 30) concerning Plaintiff's Opposed Motion to Remand (docket no. 3) and related matters, along with defendants' written objections thereto, defendants' supplemental authority in support of the objections, and plaintiff's response to defendants' objections and supplemental authority.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review

when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has thoroughly analyzed the parties' submissions in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. After due consideration, the Court concludes defendants' objections lack merit.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 30) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Opposed Motion to Remand (docket no. 3) is GRANTED such that the above styled and numbered cause is REMANDED for lack of federal subject matter jurisdiction to the 407th Judicial District Court of Bexar County, Texas.

IT IS FURTHER ORDERED that the Clerk of Court is Directed to send a certified copy of this Order of Remand to the clerk of the state court from which this case was removed.

IT IS FINALLY ORDERED that remaining motions pending with the Court are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 9th day of November, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE